

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

JUL 31 2002

ROBERT M. MARCH, Clerk
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No.: CHCB-008-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

CLYDE C. BAKER
THERESA BAKER

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 2631- 2735

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: RINCON BLANCA DITCH

Location X: 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 17, Township 26N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$	15.0 acres
Pt. SE $\frac{1}{4}$	25.9 acres
Pt. SE $\frac{1}{4}$	0.2 acres
Pt. SW $\frac{1}{4}$	73.7 acres
Pt. SW $\frac{1}{4}$	64.8 acres

Section 19, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	41.2 acres
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Section 20, Township 26N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$	21.6 acres
Pt. NW $\frac{1}{4}$	77.6 acres

Total 320.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: NONE

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch Name: RINCON BLANCA DITCH

Location X: 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Section 18, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 19.2 acres

Pt. SE $\frac{1}{4}$ 47.5 acres

Section 19, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 9.2 acres

Section 20, Township 26N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 100.6 acres

Total 176.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

Amount of Water: NONE

C. STORAGE RESERVOIR (Surface Water Only):

Office of the State Engineer Files No(s) 2631 - 2735

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION/STOCK/DOMESTIC

Point of Diversion:

Ditch Name: RINCON BLANCA DITCH

Location X: 1,578,548 feet **Y:** 2,012,107 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location of Impoundment

Section 16, Township 26N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 7.1 acres

Section 17, Township 26N, Range 04E, N.M.P.M.

Pt. SW $\frac{1}{4}$ 17.4 acres

Total 24.5 acres

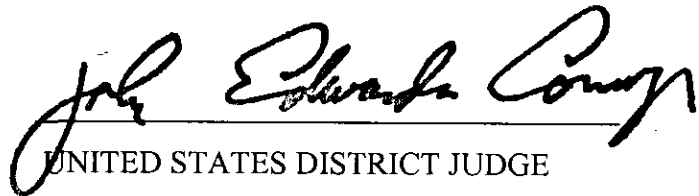
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-008-0001.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

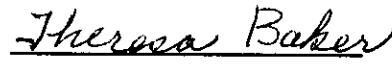
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

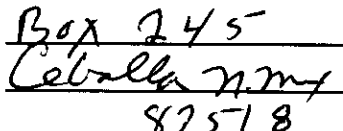
The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:

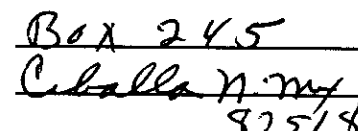

SPECIAL MASTER

ACCEPTED: 
THERESA BAKER


ADDRESS: 
87518

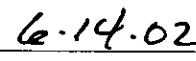
DATE: 
5-11-02

ACCEPTED: 
CLYDE C. BAKER

ADDRESS: 
87518

DATE: 
5-11-02


EDWARD G. NEWVILLE
Special Assistant Attorney General


Date



Subfile Number
CHCB-008-0001
Rincon Blanco Ditch
AMENDED April 24, 2002

STATE OF NEW MEXICO
Office of the State Engineer
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey
RIO CEBOLLA SECTION

LEGEND
Irrigated Tract Boundary
No Right Tract Boundary
Operable Ditch
Inoperable Ditch
Stock Ponds / Reservoir
Point of Diversion
Fallow
No Right

Scale
1 inch = 1000 feet
500 0 500 1000 Feet